

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ADJUSTACAM LLC,

Plaintiff,

vs.

AMAZON.COM, INC., ET AL.

Defendants.

Case No. 6:10-CV-329-LED

JURY TRIAL DEMANDED

**DEFENDANT ROSEWILL INC.'S NOTICE OF JOINDER IN
DEFENDANT DELL INC.'S CORRECTED MOTION TO DISMISS
PLAINTIFF'S ALLEGATIONS OF INDIRECT INFRINGEMENT AND
WILLFUL INFRINGEMENT FOR FAILURE TO STATE A CLAIM**

Defendant Rosewill Inc. ("Rosewill") hereby joins Defendant Dell Inc.'s Corrected Motion to Dismiss Plaintiff's Allegations of Indirect Infringement and Willful Infringement for Failure to State a Claim (Document 164), pursuant to Fed.R.Civ.P. 12(b)(6), and the arguments and authorities found therein.¹

AdjustaCam LLC's ("AdjustaCam") allegations of indirect infringement against Rosewill are the same as those it has asserted against Dell Inc. ("Dell"), and are deficient for the reasons set forth in Dell's Motion to Dismiss. (Compare First Amended Complaint for Patent Infringement, Document 111, at ¶¶ 92 (Dell), 172 (Rosewill).) In addition, AdjustaCam's allegations of willfulness against Rosewill are the same as those it has asserted against Dell, and are deficient for the reasons set forth in Dell's Motion to Dismiss. (See First Amended Complaint for Patent Infringement, Document 111, at ¶¶ 224-25.)

¹ Rosewill is concurrently filing its Answer to AdjustaCam's First Amended Complaint for Patent Infringement.

Because AdjustaCam has not adequately pled the elements of inducing or contributory infringement, its indirect infringement claims against Rosewill should be dismissed. In addition, because AdjustaCam has not pled any facts in support of its willfulness allegation, the willfulness allegation against Rosewill should be dismissed.

September 9th, 2010

Respectfully submitted,

By: /s/Justin N. Stewart

Justin N. Stewart

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ATTORNEYS FOR DEFENDANT
ROSEWILL INC.

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 9th day of September, 2010, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/Justin N. Stewart
Justin N. Stewart